

2011 DRAFTING REQUEST

Bill

Received: **06/27/2011**

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB: **-3060**

For: **Mark Pocan (608) 266-8570**

By/Representing:

May Contact:

Drafter: **chanaman**

Subject: **Employ Pub - collective bargain**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Pocan@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Reinstate collective bargaining provisions eliminated in Act 10

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 09/29/2011			_____			S&L
/1		kfollett 09/30/2011	phenry 09/30/2011	_____	lparisi 09/30/2011	mbarman 10/06/2011	

FE Sent For:

<END>

at
Intro
10/25/11

2011 DRAFTING REQUEST

Bill

Received: 06/27/2011

Received By: chanaman

Wanted: As time permits

Companion to LRB:

For: Mark Pocan (608) 266-8570

By/Representing:

May Contact:

Drafter: chanaman

Subject: Employ Pub - collective bargain

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Pocan@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Reinstate collective bargaining provisions eliminated in Act 10

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 09/29/2011			_____ _____			S&L
/1		kfollett 09/30/2011	phenry 09/30/2011	_____ _____	lparisi 09/30/2011		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: **06/27/2011**

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Mark Pocan (608) 266-8570**

By/Representing: **Julie**

May Contact:

Drafter: **chanaman**

Subject: **Employ Pub - collective bargain**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Pocan@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Reinstate collective bargaining provisions eliminated in Act 10

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

1/?	chanaman	1/1 Wly 9/30	9/130 Ph	9/130 Ph/15			
-----	----------	--------------	-------------	----------------	--	--	--

FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE



-2307/

LRB-172572

CMH:wj:rs

stays

FRIDAY
(no. 9 in
not
wedding)

2011 BILL

Repeal cat

1 AN ACT *to repeal* 40.05 (1) (a) (intro.), 66.0506, 66.0508, 66.0509 (1m), 73.03 (68),
2 111.70 (1) (cm), 111.70 (1) (fm), 111.70 (1) (mm), 111.70 (3g), 111.70 (4) (d) 3. b.,
3 111.70 (4) (mb), 111.81 (3n), 111.81 (9g), 111.81 (15r), 111.825 (1) (g), 111.825 (6)
4 (b), 111.83 (3) (b), 111.845, 111.91 (3), 111.91 (3q), 111.92 (3) (b), 111.93 (3) (b),
5 118.223, 118.245 and 120.12 (4m); *to renumber* 111.825 (6) (a) and 111.83 (3)
6 (a); *to renumber and amend* 111.02 (7) (a), 111.115 (1), 111.17, 111.70 (4) (c)
7 1. and 111.92 (3) (a); *to consolidate, renumber and amend* 111.70 (4) (d) 3.
8 a. and c. and 111.93 (3) (intro.) and (a); *to amend* 7.33 (1) (c), 7.33 (4), 13.111
9 (2), 13.172 (1), 13.48 (13) (a), 13.62 (2), 13.94 (4) (a) 1., 13.95 (intro.), 16.002 (2),
10 16.004 (4), 16.004 (5), 16.004 (12) (a), 16.045 (1) (a), 16.15 (1) (ab), 16.41 (4),
11 16.417 (1) (b), 16.50 (3) (e), 16.52 (7), 16.528 (1) (a), 16.53 (2), 16.54 (9) (a) 1.,
12 16.70 (2), 16.765 (1), 16.765 (2), 16.765 (4), 16.765 (5), 16.765 (6), 16.765 (7)
13 (intro.), 16.765 (7) (d), 16.765 (8), 16.85 (2), 16.865 (8), 19.82 (1), 19.85 (3), 19.86,
14 20.425 (1) (a), 20.425 (1) (i), 20.545 (1) (k), 20.545 (1) (km), 20.865 (1) (ci), 20.865

BILL

(1) (ic), 20.865 (1) (si), 20.917 (3) (b), 20.921 (1) (a) 2., 20.921 (1) (b), 20.923 (6) (intro.), 20.928 (1), 36.09 (1) (j), 40.02 (25) (b) 8., 40.05 (1) (b), 40.05 (4) (ag) (intro.), 40.05 (4) (b), 40.05 (4) (bw), 40.05 (4g) (a) 4., 40.05 (5) (intro.), 40.05 (5) (b) 4., 40.05 (6) (a), 40.51 (7), 40.62 (2), 40.80 (3), 40.81 (3), 40.95 (1) (a) 2., 46.2895 (8) (a) 1., 59.875 (2), 62.623, 66.1104 (1) (a), 71.26 (1) (be), 77.54 (9a) (a), 100.45 (1) (dm), 101.177 (1) (d), 109.03 (1) (b), 111.02 (1), 111.02 (2), 111.02 (3), 111.02 (7) (b) 1., 111.05 (2), 111.06 (1) (c) 1., 111.06 (1) (d), 111.06 (1) (i), 111.06 (2) (i), 111.115 (title), 111.70 (1) (a), 111.70 (1) (f), 111.70 (1) (j), 111.70 (1) (n), 111.70 (2), 111.70 (3) (a) 3., 111.70 (3) (a) 5., 111.70 (3) (a) 6., 111.70 (3) (a) 9., 111.70 (4) (c) (title), 111.70 (4) (c) 2., 111.70 (4) (c) 3. (intro.), 111.70 (4) (cm) (title), 1., 2., 3. and 4., 111.70 (4) (cm) 8m., 111.70 (4) (d) 2. a., 111.70 (4) (L), 111.70 (4) (mc) (intro.), 111.70 (4) (p), 111.70 (7m) (c) 1. a., 111.70 (8) (a), 111.71 (2), 111.77 (intro.), 111.77 (8) (a), 111.81 (1), 111.81 (9), 111.81 (12) (intro.), 111.81 (12m), 111.81 (16), 111.815 (1), 111.815 (2), 111.82, 111.825 (3), 111.825 (4), 111.825 (5), 111.83 (1), 111.83 (4), 111.84 (1) (b), 111.84 (1) (d), 111.84 (1) (f), 111.84 (2) (c), 111.84 (3), 111.85 (1), (2) and (4), 111.90 (2), 111.91 (1) (a), 111.91 (1) (b), 111.91 (1) (c), 111.91 (1) (cm), 111.91 (1) (d), 111.91 (2) (intro.), 111.91 (2) (gu), 111.92 (1) (a), 118.40 (2r) (b) 3. a., 118.42 (3) (a) 4., 118.42 (5), 119.04 (1), 120.12 (15), 120.18 (1) (gm), 230.01 (3), 230.03 (3), 230.046 (10) (a), 230.10 (1), 230.12 (3) (e) 1., 230.34 (1) (ar), 230.35 (1s), 230.35 (2d) (e), 230.35 (3) (e) 6., 230.88 (2) (b), 233.02 (8), 233.03 (7), 233.10 (2) (intro.), 281.75 (4) (b) 3., 285.59 (1) (b), 704.31 (3), 851.71 (4) and 978.12 (1) (c); **to create** 16.705 (3), 19.42 (10) (s), 20.865 (1) (cm), 20.865 (1) (im), 20.865 (1) (sm), 46.284 (4) (m), 46.2898, 46.48 (9m), 49.825 (3) (b) 4., 49.826 (3) (b) 4., chapter 52, 70.11 (41s), 111.02 (6) (am), 111.02 (7) (a) 2., 3. and 4., 111.02 (7m), (9m) and (10m), 111.05 (3g), 111.05

BILL

(5), 111.05 (6), 111.05 (7), 111.06 (1) (m), 111.075, 111.115 (1) (a), 111.115 (2), 111.17 (2), 111.70 (1g), 111.70 (3) (a) 7., 111.70 (3) (b) 6., 111.70 (3m), 111.70 (3p), 111.70 (4) (c) 1g., 111.70 (4) (cm) 5., 111.70 (4) (cm) 6., 111.70 (4) (cm) 7., 111.70 (4) (cm) 7g., 111.70 (4) (cm) 7r., 111.70 (4) (cm) 8., 111.70 (4) (cm) 9., 111.70 (4) (m), 111.70 (4) (mc) 4., 111.70 (4) (mc) 5., 111.70 (4) (mc) 6., 111.70 (4) (n) and (o), 111.70 (7), 111.70 (7m) (b), 111.70 (7m) (c) 3., 111.70 (7m) (e), 111.70 (7m) (f), 111.71 (4), 111.71 (5), 111.80, 111.81 (3h), 111.81 (7) (g), 111.81 (9k), 111.825 (2g), 111.83 (5m), 111.83 (7), 111.85 (5), 111.905, 111.91 (1) (cg), 111.91 (1) (e), 111.91 (2) (fm), 111.91 (2) (fp), 111.91 (2c), 111.92 (2m), subchapter VI of chapter 111 [precedes 111.95], 118.22 (4), 118.23 (5) and 233.02 (1) (h) of the statutes; and **to affect** 2011 Wisconsin Act 10, section 9132 and 2011 Wisconsin Act 10, section 9155; **relating to:** collective bargaining for public employees, granting rule-making authority, and making appropriations.

*and certain municipal transit
transport employees*

Analysis by the Legislative Reference Bureau

Current law grants certain protective occupation participants under the Wisconsin Retirement System (public safety employees) the right to collectively bargain over wages, hours, and conditions of employment. State government and municipal government employees who are not public safety employees (general employees) have the right to collectively bargain over a percentage increase in base wages that does not exceed the percentage change in the consumer price index. Current law also prohibits municipal employers from collectively bargaining with municipal general employees in matters that are not permitted under the Municipal Employment Relations Act (MERA). Under this bill, all municipal employees have the right to collectively bargain over wages, hours, and conditions of employment under MERA, and all state employees have the right to collectively bargain over wages, hours, and conditions of employment under the State Employment Labor Relations Act (SELRA). In addition, this bill provides University of Wisconsin (UW) System employees, employees of the UW Hospitals and Clinics Authority, and certain home care and child care providers the right to collectively bargain over wages, hours, and conditions of employment. None of the municipal, state, or UW employees, however, may bargain over the amount of employee-required contributions under the Wisconsin Retirement System that the employee may pay on behalf of an employee or over the selection of health care coverage plans by the

*or
municipal transit
employees*

BILL

employer for employees and the determination by the employer of the employer's and the employee's shares of premium costs for health care coverage under the plans.

Under SELRA and MERA, each collective bargaining unit containing general employees must have an annual election to certify the labor organization that represents the collective bargaining unit. If, at the election, less than 51 percent of the actual employees in the collective bargaining unit vote for a representative, then, at the expiration of the current collective bargaining agreement, the current representative is decertified and the members of the collective bargaining unit are nonrepresented and may not be represented for one year. This bill eliminates the requirement to have an annual certification election. Once the majority of employees in a collective bargaining unit elects a labor organization as their representative, that labor organization remains the representative unless a percentage of members of the collective bargaining unit supports a petition for a new election and subsequently votes to decertify the representative.

Currently, the term for a collective bargaining agreement covering a general employee may not exceed one year and may not be extended. This bill generally limits the term to two years and eliminates the prohibition on agreement extensions. Current law prohibits the deduction of labor organization dues from salaries of general employees. This bill allows employees who are represented by a labor organization to have the organization dues deducted from their salaries.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 7.33 (1) (c) of the statutes, as affected by 2011 Wisconsin Act 10, is
2 amended to read:

3 7.33 (1) (c) "State agency" has the meaning given under s. 20.001 (1) and
4 includes an authority created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234,
5 or 237.

6 **SECTION 2.** 7.33 (4) of the statutes, as affected by 2011 Wisconsin Act 10, is
7 amended to read:

8 7.33 (4) Except as otherwise provided in this subsection, each local
9 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon
10 proper application under sub. (3), permit each of its employees to serve as an election

BILL

1 official under s. 7.30 without loss of fringe benefits or seniority privileges earned for
2 scheduled working hours during the period specified in sub. (3), without loss of pay
3 for scheduled working hours during the period specified in sub. (3) except as provided
4 in sub. (5), and without any other penalty. For employees who are included in a
5 collective bargaining unit for which a representative is recognized or certified under
6 subch. V or VI of ch. 111, this subsection shall apply unless otherwise provided in a
7 collective bargaining agreement.

8 **SECTION 3.** 13.111 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is
9 amended to read:

10 13.111 (2) DUTIES. The joint committee on employment relations shall perform
11 the functions assigned to it under ~~subch.~~ subchs. V and VI of ch. 111, subch. II of ch.
12 230 and ss. 16.53 (1) (d) 1., 20.916, 20.917, and 20.923.

13 **SECTION 4.** 13.172 (1) of the statutes, as affected by 2011 Wisconsin Act 10, is
14 amended to read:

15 13.172 (1) In this section, "agency" means an office, department, agency,
16 institution of higher education, association, society, or other body in state
17 government created or authorized to be created by the constitution or any law, that
18 is entitled to expend moneys appropriated by law, including the legislature and the
19 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in
20 ch. 52, 231, 233, 234, 238, or 279.

21 **SECTION 5.** 13.48 (13) (a) of the statutes, as affected by 2011 Wisconsin Act 10,
22 is amended to read:

23 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or
24 facility that is constructed for the benefit of or use of the state, any state agency,
25 board, commission or department, the University of Wisconsin Hospitals and Clinics

BILL**SECTION 5**

1 Authority, the Fox River Navigational System Authority, the Wisconsin Quality
2 Home Care Authority, the Wisconsin Economic Development Corporation, or any
3 local professional baseball park district created under subch. III of ch. 229 if the
4 construction is undertaken by the department of administration on behalf of the
5 district, shall be in compliance with all applicable state laws, rules, codes and
6 regulations but the construction is not subject to the ordinances or regulations of the
7 municipality in which the construction takes place except zoning, including without
8 limitation because of enumeration ordinances or regulations relating to materials
9 used, permits, supervision of construction or installation, payment of permit fees, or
10 other restrictions.

11 **SECTION 6.** 13.62 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is
12 amended to read:

13 13.62 (2) "Agency" means any board, commission, department, office, society,
14 institution of higher education, council, or committee in the state government, or any
15 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,
16 233, 234, 237, 238, or 279, except that the term does not include a council or
17 committee of the legislature.

18 **SECTION 7.** 13.94 (4) (a) 1. of the statutes, as affected by 2011 Wisconsin Act 10,
19 is amended to read:

20 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
21 credentialing board, commission, independent agency, council or office in the
22 executive branch of state government; all bodies created by the legislature in the
23 legislative or judicial branch of state government; any public body corporate and
24 politic created by the legislature including specifically the Wisconsin Quality Home
25 Care Authority, the Fox River Navigational System Authority, the Lower Fox River

BILL

1 Remediation Authority, the Wisconsin Aerospace Authority, and the Wisconsin
2 Economic Development Corporation, a professional baseball park district, a local
3 professional football stadium district, a local cultural arts district and a long-term
4 care district under s. 46.2895; every Wisconsin works agency under subch. III of ch.
5 49; every provider of medical assistance under subch. IV of ch. 49; technical college
6 district boards; every county department under s. 51.42 or 51.437; every nonprofit
7 corporation or cooperative or unincorporated cooperative association to which
8 moneys are specifically appropriated by state law; and every corporation, institution,
9 association or other organization which receives more than 50% of its annual budget
10 from appropriations made by state law, including subgrantee or subcontractor
11 recipients of such funds.

12 **SECTION 8.** 13.95 (intro.) of the statutes, as affected by 2011 Wisconsin Act 10,
13 is amended to read:

14 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
15 known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau
16 shall be strictly nonpartisan and shall at all times observe the confidential nature
17 of the research requests received by it; however, with the prior approval of the
18 requester in each instance, the bureau may duplicate the results of its research for
19 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's
20 designated employees shall at all times, with or without notice, have access to all
21 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
22 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
23 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
24 Authority, the Wisconsin Economic Development Corporation, and the Fox River
25 Navigational System Authority, and to any books, records, or other documents

BILL

1 maintained by such agencies or authorities and relating to their expenditures,
2 revenues, operations, and structure.

3 **SECTION 9.** 16.002 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is
4 amended to read:

5 16.002 (2) "Departments" means constitutional offices, departments, and
6 independent agencies and includes all societies, associations, and other agencies of
7 state government for which appropriations are made by law, but not including
8 authorities created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,
9 233, 234, 235, 237, 238, or 279.

10 **SECTION 10.** 16.004 (4) of the statutes, as affected by 2011 Wisconsin Act 10,
11 is amended to read:

12 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
13 department as the secretary designates may enter into the offices of state agencies
14 and authorities created under subch. II of ch. 114 and subch. III of ch. 149 and under
15 chs. 52, 231, 233, 234, 237, 238, and 279, and may examine their books and accounts
16 and any other matter that in the secretary's judgment should be examined and may
17 interrogate the agency's employees publicly or privately relative thereto.

18 **SECTION 11.** 16.004 (5) of the statutes, as affected by 2011 Wisconsin Act 10,
19 is amended to read:

20 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
21 authorities created under subch. II of ch. 114 and subch. III of ch. 149 and under chs.
22 52, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall cooperate
23 with the secretary and shall comply with every request of the secretary relating to
24 his or her functions.

BILL

1 ✓ **SECTION 12.** 16.004 (12) (a) of the statutes, as affected by 2011 Wisconsin Act
2 10, is amended to read:

3 16.004 (12) (a) In this subsection, “state agency” means an association,
4 authority, board, department, commission, independent agency, institution, office,
5 society, or other body in state government created or authorized to be created by the
6 constitution or any law, including the legislature, the office of the governor, and the
7 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
8 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
9 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
10 Care Authority, the Wisconsin Economic Development Corporation, and the Fox
11 River Navigational System Authority.

12 ✓ **SECTION 13.** 16.045 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 10,
13 is amended to read:

14 16.045 (1) (a) “Agency” means an office, department, independent agency,
15 institution of higher education, association, society, or other body in state
16 government created or authorized to be created by the constitution or any law, that
17 is entitled to expend moneys appropriated by law, including the legislature and the
18 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
19 ch. 149 or in ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.

20 ✓ **SECTION 14.** 16.15 (1) (ab) of the statutes, as affected by 2011 Wisconsin Act 10,
21 is amended to read:

22 16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but
23 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox
24 River Remediation Authority, the Wisconsin Quality Home Care Authority, the

BILL**SECTION 14**

1 Wisconsin Economic Development Corporation, and the Health Insurance
2 Risk-Sharing Plan Authority.

3 **SECTION 15.** 16.41 (4) of the statutes, as affected by 2011 Wisconsin Act 10, is
4 amended to read:

5 16.41 (4) In this section, “authority” means a body created under subch. II of
6 ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 233, 234, 237, 238, or 279.

7 **SECTION 16.** 16.417 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 10,
8 is amended to read:

9 16.417 (1) (b) “Authority” means a body created under subch. II of ch. 114 or
10 ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.

11 **SECTION 17.** 16.50 (3) (e) of the statutes, as affected by 2011 Wisconsin Act 10,
12 is amended to read:

13 16.50 (3) (e) No pay increase may be approved unless it is at the rate or within
14 the pay ranges prescribed in the compensation plan or as provided in a collective
15 bargaining agreement under subch. V or VI of ch. 111.

16 **SECTION 18.** 16.52 (7) of the statutes, as affected by 2011 Wisconsin Act 10, is
17 amended to read:

18 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency
19 that is authorized to maintain a contingent fund under s. 20.920 may establish a
20 petty cash account from its contingent fund. The procedure for operation and
21 maintenance of petty cash accounts and the character of expenditures therefrom
22 shall be prescribed by the secretary. In this subsection, “agency” means an office,
23 department, independent agency, institution of higher education, association,
24 society, or other body in state government created or authorized to be created by the
25 constitution or any law, that is entitled to expend moneys appropriated by law,

BILL

1 including the legislature and the courts, but not including an authority created in
2 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

3 **SECTION 19.** 16.528 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 10,
4 is amended to read:

5 16.528 (1) (a) “Agency” means an office, department, independent agency,
6 institution of higher education, association, society, or other body in state
7 government created or authorized to be created by the constitution or any law, that
8 is entitled to expend moneys appropriated by law, including the legislature and the
9 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
10 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

11 **SECTION 20.** 16.53 (2) of the statutes, as affected by 2011 Wisconsin Act 10,
12 amended to read:

13 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
14 invoice, the agency shall notify the sender of the invoice within 10 working days after
15 it receives the invoice of the reason it is improperly completed. In this subsection,
16 “agency” means an office, department, independent agency, institution of higher
17 education, association, society, or other body in state government created or
18 authorized to be created by the constitution or any law, that is entitled to expend
19 moneys appropriated by law, including the legislature and the courts, but not
20 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
21 52, 231, 233, 234, 237, 238, or 279.

22 **SECTION 21.** 16.54 (9) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
23 10, is amended to read:

24 16.54 (9) (a) 1. “Agency” means an office, department, independent agency,
25 institution of higher education, association, society or other body in state

BILL**SECTION 21**

1 government created or authorized to be created by the constitution or any law, which
2 is entitled to expend moneys appropriated by law, including the legislature and the
3 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
4 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

5 **SECTION 22.** 16.70 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is
6 amended to read:

7 16.70 (2) "Authority" means a body created under subch. II of ch. 114 or subch.
8 III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, or 279.

9 **SECTION 23.** 16.705 (3) of the statutes is created to read:

10 16.705 (3) The director of the office of state employment relations, prior to
11 award, under conditions established by rule of the department, shall review
12 contracts for contractual services in order to ensure that agencies do all of the
13 following:

14 (a) Properly utilize the services of state employees.

15 (b) Evaluate the feasibility of using limited term appointments prior to
16 entering into a contract for contractual services.

17 (c) Do not enter into any contract for contractual services in conflict with any
18 collective bargaining agreement under subch. V or VI of ch. 111.

19 **SECTION 24.** 16.765 (1) of the statutes, as affected by 2011 Wisconsin Act 10,
20 is amended to read:

21 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
22 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
23 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
24 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
25 Wisconsin Economic Development Corporation, and the Bradley Center Sports and

✓
INJ
12-19

BILL

1 Entertainment Corporation shall include in all contracts executed by them a
2 provision obligating the contractor not to discriminate against any employee or
3 applicant for employment because of age, race, religion, color, handicap, sex, physical
4 condition, developmental disability as defined in s. 51.01 (5), sexual orientation as
5 defined in s. 111.32 (13m), or national origin and, except with respect to sexual
6 orientation, obligating the contractor to take affirmative action to ensure equal
7 employment opportunities.

8 **SECTION 25.** 16.765 (2) of the statutes, as affected by 2011 Wisconsin Act 10,
9 is amended to read:

10 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
11 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
12 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
13 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
14 Wisconsin Economic Development Corporation, and the Bradley Center Sports and
15 Entertainment Corporation shall include the following provision in every contract
16 executed by them: "In connection with the performance of work under this contract,
17 the contractor agrees not to discriminate against any employee or applicant for
18 employment because of age, race, religion, color, handicap, sex, physical condition,
19 developmental disability as defined in s. 51.01 (5), sexual orientation or national
20 origin. This provision shall include, but not be limited to, the following: employment,
21 upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or
22 termination; rates of pay or other forms of compensation; and selection for training,
23 including apprenticeship. Except with respect to sexual orientation, the contractor
24 further agrees to take affirmative action to ensure equal employment opportunities.
25 The contractor agrees to post in conspicuous places, available for employees and

BILL**SECTION 25**

1 applicants for employment, notices to be provided by the contracting officer setting
2 forth the provisions of the nondiscrimination clause”.

3 **SECTION 26.** 16.765 (4) of the statutes, as affected by 2011 Wisconsin Act 10,[✓]
4 is amended to read:

5 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and
6 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
7 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
8 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and
9 the Bradley Center Sports and Entertainment Corporation shall take appropriate
10 action to revise the standard government contract forms under this section.

11 **SECTION 27.** 16.765 (5) of the statutes, as affected by 2011 Wisconsin Act 10,[✓]
12 is amended to read:

13 16.765 (5) The head of each contracting agency and the boards of directors of
14 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
15 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
16 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
17 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
18 Development Corporation, and the Bradley Center Sports and Entertainment
19 Corporation shall be primarily responsible for obtaining compliance by any
20 contractor with the nondiscrimination and affirmative action provisions prescribed
21 by this section, according to procedures recommended by the department. The
22 department shall make recommendations to the contracting agencies and the boards
23 of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox
24 River Navigational System Authority, the Wisconsin Aerospace Authority, the
25 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation

BILL

1 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
2 Development Corporation, and the Bradley Center Sports and Entertainment
3 Corporation for improving and making more effective the nondiscrimination and
4 affirmative action provisions of contracts. The department shall promulgate such
5 rules as may be necessary for the performance of its functions under this section.

6 **SECTION 28.** 16.765 (6) of the statutes, as affected by 2011 Wisconsin Act 10,
7 is amended to read: ✓

8 16.765 (6) The department may receive complaints of alleged violations of the
9 nondiscrimination provisions of such contracts. The department shall investigate
10 and determine whether a violation of this section has occurred. The department may
11 delegate this authority to the contracting agency, the University of Wisconsin
12 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
13 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
14 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
15 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
16 Sports and Entertainment Corporation for processing in accordance with the
17 department's procedures.

18 **SECTION 29.** 16.765 (7) (intro.) of the statutes, as affected by 2011 Wisconsin
19 Act 10, is amended to read: ↓

20 16.765 (7) (intro.) When a violation of this section has been determined by the
21 department, the contracting agency, the University of Wisconsin Hospitals and
22 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
23 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
24 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
25 Wisconsin Economic Development Corporation, or the Bradley Center Sports and

BILL**SECTION 29**

1 Entertainment Corporation, the contracting agency, the University of Wisconsin
2 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
3 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
4 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
5 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
6 Sports and Entertainment Corporation shall:

7 **SECTION 30.** 16.765 (7) (d) of the statutes, as affected by 2011 Wisconsin Act 10, ✓
8 is amended to read:

9 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
10 further violations of this section and to report its corrective action to the contracting
11 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
12 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
13 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
14 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
15 Development Corporation, or the Bradley Center Sports and Entertainment
16 Corporation.

17 **SECTION 31.** 16.765 (8) of the statutes, as affected by 2011 Wisconsin Act 10, ✓
18 is amended to read:

19 16.765 (8) If further violations of this section are committed during the term
20 of the contract, the contracting agency, the Fox River Navigational System Authority,
21 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
22 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
23 Care Authority, the Wisconsin Economic Development Corporation, or the Bradley
24 Center Sports and Entertainment Corporation may permit the violating party to
25 complete the contract, after complying with this section, but thereafter the

BILL

1 contracting agency, the Fox River Navigational System Authority, the Wisconsin
2 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
3 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
4 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
5 Entertainment Corporation shall request the department to place the name of the
6 party on the ineligible list for state contracts, or the contracting agency, the Fox River
7 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
8 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
9 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
10 Development Corporation, or the Bradley Center Sports and Entertainment
11 Corporation may terminate the contract without liability for the uncompleted
12 portion or any materials or services purchased or paid for by the contracting party
13 for use in completing the contract.

14 **SECTION 32.** 16.85 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is
15 amended to read:

16 16.85 (2) To furnish engineering, architectural, project management, and other
17 building construction services whenever requisitions therefor are presented to the
18 department by any agency. The department may deposit moneys received from the
19 provision of these services in the account under s. 20.505 (1) (kc) or in the general
20 fund as general purpose revenue — earned. In this subsection, “agency” means an
21 office, department, independent agency, institution of higher education, association,
22 society, or other body in state government created or authorized to be created by the
23 constitution or any law, which is entitled to expend moneys appropriated by law,
24 including the legislature and the courts, but not including an authority created in
25 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

BILL**SECTION 33**

1 **SECTION 33.** 16.865 (8) of the statutes, as affected by 2011 Wisconsin Act 10, ✓
2 is amended to read:

3 16.865 **(8)** Annually in each fiscal year, allocate as a charge to each agency a
4 proportionate share of the estimated costs attributable to programs administered by
5 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
6 may charge premiums to agencies to finance costs under this subsection and pay the
7 costs from the appropriation on an actual basis. The department shall deposit all
8 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
9 Costs assessed under this subsection may include judgments, investigative and
10 adjustment fees, data processing and staff support costs, program administration
11 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
12 subsection, “agency” means an office, department, independent agency, institution
13 of higher education, association, society, or other body in state government created
14 or authorized to be created by the constitution or any law, that is entitled to expend
15 moneys appropriated by law, including the legislature and the courts, but not
16 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
17 52, 231, 232, 233, 234, 235, 237, 238, or 279.

18 **SECTION 34.** 19.42 (10) (s) ✓ of the statutes is created to read:

19 19.42 **(10)** (s) The executive director and members of the board of directors of
20 the Wisconsin Quality Home Care Authority.

21 **SECTION 35.** 19.82 (1) of the statutes, as affected by 2011 Wisconsin Act 10, ✓ is
22 amended to read:

23 19.82 **(1)** “Governmental body” means a state or local agency, board,
24 commission, committee, council, department or public body corporate and politic
25 created by constitution, statute, ordinance, rule or order; a governmental or

BILL

1 quasi-governmental corporation except for the Bradley center sports and
2 entertainment corporation; a local exposition district under subch. II of ch. 229; a
3 long-term care district under s. 46.2895; or a formally constituted subunit of any of
4 the foregoing, but excludes any such body or committee or subunit of such body which
5 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,
6 ~~or V, or VI~~ of ch. 111.

7 **SECTION 36.** 19.85 (3) of the statutes, as affected by 2011 Wisconsin Act 10, [✓] is
8 amended to read:

9 19.85 (3) Nothing in this subchapter shall be construed to authorize a
10 governmental body to consider at a meeting in closed session the final ratification or
11 approval of a collective bargaining agreement under subch. I, IV, ~~or V, or VI~~ of ch. 111
12 which has been negotiated by such body or on its behalf.

13 **SECTION 37.** 19.86 of the statutes, as affected by 2011 Wisconsin Act 10, [✓] is
14 amended to read:

15 **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.
16 19.82 (1), where notice has been given by either party to a collective bargaining
17 agreement under subch. I, IV, ~~or V, or VI~~ of ch. 111 to reopen such agreement at its
18 expiration date, the employer shall give notice of such contract reopening as provided
19 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given
20 by the employer's chief officer or such person's designee.

21 **SECTION 38.** 20.425 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 10, [✓]
22 is amended to read:

23 20.425 (1) (a) *General program operations.* The amounts in the schedule for
24 the purposes provided in subchs. I, IV, ~~and V, and VI~~ of ch. 111 and s. 230.45 (1).

BILL

SECTION 39

1 **SECTION 39.** 20.425 (1) (i) of the statutes, as affected by 2011 Wisconsin Act 10,
2 is amended to read:

3 20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*
4 The amounts in the schedule for the performance of fact-finding, mediation, and
5 arbitration functions, for the provision of copies of transcripts, for the cost of
6 operating training programs under ss. 111.09 (3), 111.71 (5), and 111.94 (3), for the
7 preparation of publications, transcripts, reports, and other copied material, and for
8 costs related to conducting appeals under s. 230.45. All moneys received under ss.
9 111.09 (1) and (2), 111.71 (1) and (2), 111.94 (1) and (2), 111.9993, and 230.45 (3), all
10 moneys received from arbitrators and arbitration panel members, and individuals
11 who are interested in serving in such positions, and from individuals and
12 organizations who participate in other collective bargaining training programs
13 conducted by the commission, and all moneys received from the sale of publications,
14 transcripts, reports, and other copied material shall be credited to this appropriation
15 account.

16 **SECTION 40.** 20.545 (1) (k) of the statutes, as affected by 2011 Wisconsin Act 10, ✓
17 is amended to read:

18 20.545 (1) (k) *General program operations.* The amounts in the schedule to
19 administer state employment relations functions and the civil service system under
20 ~~subch.~~ subchs. V and VI of ch. 111 and ch. 230, to pay awards under s. 230.48, and
21 to defray the expenses of the state employees suggestion board. All moneys received
22 from state agencies for materials and services provided by the office of state
23 employment relations shall be credited to this appropriation.

24 ✓ **SECTION 41.** 20.545 (1) (km) of the statutes, as affected by 2011 Wisconsin Act
25 10, is amended to read:

INS
20-15

BILL

1 20.545 (1) (km) *Collective bargaining grievance arbitrations.* The amounts in
2 the schedule for the payment of the state's share of costs related to collective
3 bargaining grievance arbitrations under s. 111.86 and related to collective
4 bargaining grievance arbitrations under s. 111.993. All moneys received from state
5 agencies for the purpose of reimbursing the state's share of the costs related to
6 grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for
7 training related to grievance arbitrations, and all moneys received from institutions,
8 as defined in s. 36.05 (9), for the purpose of reimbursing the state's share of the costs
9 related to grievance arbitrations under s. 111.993 and to reimburse the state's share
10 of costs for training related to grievance arbitrations shall be credited to this
11 appropriation account.

12 ✓ **SECTION 42.** 20.865 (1) (ci) of the statutes, as affected by 2011 Wisconsin Act
13 ✓ 10, is amended to read:

14 20.865 (1) (ci) *Nonrepresented university system senior executive, faculty and*
15 *academic pay adjustments.* A sum sufficient to pay the cost of pay and related
16 adjustments approved by the joint committee on employment relations under s.
17 230.12 (3) (e) for University of Wisconsin System employees under ss. 20.923 (4g), (5)
18 and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit
19 for which a representative is certified under subch. V or VI of ch. 111, as determined
20 under s. 20.928, other than adjustments funded under par. (cj).

21 **SECTION 43.** 20.865 (1) (cm) of the statutes is created to read:

22 20.865 (1) (cm) *Represented university faculty and academic staff pay*
23 *adjustments.* A sum sufficient to supplement the appropriations to the Board of
24 Regents of the University of Wisconsin System for the cost of compensation and
25 related adjustments approved by the legislature under s. 111.9991 for University of

BILL**SECTION 43**

1 Wisconsin System employees under s. 230.08 (2) (d) who are included within a
2 collective bargaining unit for which a representative is certified under subch. VI of
3 ch. 111, as determined under s. 20.928.

4 **SECTION 44.** 20.865 (1) (ic) of the statutes, as affected by 2011 Wisconsin Act
5 10, is amended to read:

6 20.865 (1) (ic) *Nonrepresented university system senior executive, faculty and*
7 *academic pay adjustments.* From the appropriate program revenue and program
8 revenue-service accounts, a sum sufficient to supplement the appropriations to the
9 University of Wisconsin System to pay the cost of pay and related adjustments
10 approved by the joint committee on employment relations under s. 230.12 (3) (e) for
11 University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and
12 230.08 (2) (d) who are not included within a collective bargaining unit for which a
13 representative is certified under subch. V or VI of ch. 111, as determined under s.
14 20.928, other than adjustments funded under par. (cj).

15 **SECTION 45.** 20.865 (1) (im) of the statutes is created to read:

16 20.865 (1) (im) *Represented university system faculty and academic staff pay*
17 *adjustments; program revenue.* From the appropriate program revenue and program
18 revenue-service accounts, a sum sufficient to supplement the appropriations to the
19 Board of Regents of the University of Wisconsin System for the cost of compensation
20 and related adjustments for University of Wisconsin System employees under s.
21 230.08 (2) (d) who are included within a collective bargaining unit for which a
22 representative is certified under subch. VI of ch. 111, as determined under s. 20.928.

23 **SECTION 46.** 20.865 (1) (si) of the statutes, as affected by 2011 Wisconsin Act
24 10, is amended to read:

Section #. 20.865 (1) (im), as created by 2011 Wisconsin
Act ... (this act), is repealed.

BILL

20.865 (1) (si) *Nonrepresented university system senior executive, faculty and academic pay adjustments.* From the appropriate segregated funds, a sum sufficient to supplement the appropriations to the University of Wisconsin System to pay the cost of pay and related adjustments approved by the joint committee on employment relations under s. 230.12 (3) (e) for University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit for which a representative is certified under subch. V or VI of ch. 111, as determined under s. 20.928.

SECTION 47. 20.865 (1) (sm) of the statutes is created to read:

20.865 (1) (sm) *Represented university faculty and academic staff pay adjustments; segregated revenues.* From the appropriate segregated funds, a sum sufficient to supplement the appropriations to the Board of Regents of the University of Wisconsin System for the cost of compensation and related adjustments for University of Wisconsin System employees under s. 230.08 (2) (d) who are included within a collective bargaining unit for which a representative is certified under subch. VI of ch. 111, as determined under s. 20.928.

SECTION 48. 20.917 (3) (b) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

20.917 (3) (b) This subsection applies to employees in all positions in the civil service, including those employees in positions included in collective bargaining units under subch. V or VI of ch. 111, whether or not the employees are covered by a collective bargaining agreement.

SECTION 49. 20.921 (1) (a) 2. of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

RP; 20.865 (1) (sm), as created by 2011 Wisconsin Act 10, (this act);
✓ Section #

BILL**SECTION 49**

1 20.921 (1) (a) 2. ~~If the state employee is a public safety employee under s. 111.81~~
2 ~~(15r), payment~~ Payment of dues to employee organizations.

3 **SECTION 50.** 20.921 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 10,
4 is amended to read:

5 20.921 (1) (b) Except as provided in ~~s.~~ ss. 111.06 (1) (c) and 111.84 (1) (f), the
6 request under par. (a) shall be made to the state agency or to the University of
7 Wisconsin Hospitals and Clinics Authority in the form and manner and contain the
8 directions and information prescribed by each state agency or by the authority. The
9 request may be withdrawn or the amount paid to the payee may be changed by
10 notifying the state agency or the authority to that effect, but no such withdrawal or
11 change shall affect a payroll certification already prepared.

12 **SECTION 51.** 20.923 (6) (intro.) of the statutes, as affected by 2011 Wisconsin
13 Act 10, is amended to read:

14 20.923 (6) SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the
15 following positions may be set by the appointing authority, subject to restrictions
16 otherwise set forth in the statutes and the compensation plan under s. 230.12, except
17 where the salaries are a subject of bargaining with a certified representative of a
18 collective bargaining unit under s. 111.91 or 111.998:

19 **SECTION 52.** 20.928 (1) of the statutes, as affected by 2011 Wisconsin Act 10,
20 is amended to read:

21 20.928 (1) Each state agency head shall certify to the department of
22 administration, at such time and in such manner as the secretary of administration
23 prescribes, the sum of money needed by the state agency from the appropriations
24 under s. 20.865 (1) (c), (ci), (cm), (cj), (d), (i), (ic), (im), (j), (s), (si), (sm), and (t). Upon
25 receipt of the certifications together with such additional information as the

BILL

1 secretary of administration prescribes, the secretary shall determine the amounts
2 required from the respective appropriations to supplement state agency budgets.

3 **SECTION 53.** 36.09 (1) (j) of the statutes, as affected by 2011 Wisconsin Act 10,
4 is amended to read:

5 36.09 (1) (j) Except where such matters are a subject of bargaining with a
6 certified representative of a collective bargaining unit under s. 111.91 or 111.998, the
7 board shall establish salaries for persons not in the classified staff prior to July 1 of
8 each year for the next fiscal year, and shall designate the effective dates for payment
9 of the new salaries. In the first year of the biennium, payments of the salaries
10 established for the preceding year shall be continued until the biennial budget bill
11 is enacted. If the budget is enacted after July 1, payments shall be made following
12 enactment of the budget to satisfy the obligations incurred on the effective dates, as
13 designated by the board, for the new salaries, subject only to the appropriation of
14 funds by the legislature and s. 20.928 (3). This paragraph does not limit the
15 authority of the board to establish salaries for new appointments. The board may
16 not increase the salaries of employees specified in ss. 20.923 (5) and (6) (m) and
17 230.08 (2) (d) under this paragraph unless the salary increase conforms to the
18 proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary
19 increase to correct salary inequities under par. (h), to fund job reclassifications or
20 promotions, or to recognize competitive factors. The board may not increase the
21 salary of any position identified in s. 20.923 (4g) under this paragraph unless the
22 salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the
23 board authorizes the salary increase to correct a salary inequity or to recognize
24 competitive factors. The board may not increase the salary of any position identified
25 in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the

BILL**SECTION 53**

1 appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless
2 the increase is approved by the office of state employment relations. The granting
3 of salary increases to recognize competitive factors does not obligate inclusion of the
4 annualized amount of the increases in the appropriations under s. 20.285 (1) for
5 subsequent fiscal bienniums. No later than October 1 of each year, the board shall
6 report to the joint committee on finance and the secretary of administration and
7 director of the office of state employment relations concerning the amounts of any
8 salary increases granted to recognize competitive factors, and the institutions at
9 which they are granted, for the 12-month period ending on the preceding June 30.

10 **SECTION 54.** 40.02 (25) (b) 8. of the statutes, as affected by 2011 Wisconsin Act
11 10, is amended to read:

12 40.02 (25) (b) 8. Any other state employee for whom coverage is authorized
13 under a collective bargaining agreement pursuant to subch. I, V, or VI of ch. 111 or
14 under s. 230.12 or 233.10.

15 **SECTION 55.** 40.05 (1) (a) (intro.) of the statutes, as affected by 2011 Wisconsin
16 Act 10, is repealed.

17 **SECTION 56.** 40.05 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 10,
18 is amended to read:

19 40.05 (1) (b) ~~Except as otherwise provided in a collective bargaining agreement~~
20 ~~entered into under subch. IV or V of ch. 111, an~~ An employer may not pay, on behalf
21 of a participating employee, any of the contributions required by par. (a).

22 **SECTION 57.** 40.05 (4) (ag) (intro.) of the statutes, as affected by 2011 Wisconsin
23 Act 10, is amended to read:

BILL

1 40.05 (4) (ag) (intro.) ~~Except as otherwise provided in a collective bargaining~~
2 ~~agreement under subch. V of ch. 111, the~~ The employer shall pay for its currently
3 employed insured employees:

4 ~~SECTION 58.~~ 40.05 (4) (b) of the statutes, as affected by 2011 Wisconsin Act 10,
5 is amended to read:

6 40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused
7 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, and 757.02 (5) and subch.
8 I, V, or VI of ch. 111 of any eligible employee shall, at the time of death, upon
9 qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1)
10 or upon termination of creditable service and qualifying as an eligible employee
11 under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate
12 he or she received while employed by the state, to credits for payment of health
13 insurance premiums on behalf of the employee or the employee's surviving insured
14 dependents. Any supplemental compensation that is paid to a state employee who
15 is classified under the state classified civil service as a teacher, teacher supervisor,
16 or education director for the employee's completion of educational courses that have
17 been approved by the employee's employer is considered as part of the employee's
18 basic pay for purposes of this paragraph. The full premium for any eligible employee
19 who is insured at the time of retirement, or for the surviving insured dependents of
20 an eligible employee who is deceased, shall be deducted from the credits until the
21 credits are exhausted and paid from the account under s. 40.04 (10), and then
22 deducted from annuity payments, if the annuity is sufficient. The department shall
23 provide for the direct payment of premiums by the insured to the insurer if the
24 premium to be withheld exceeds the annuity payment. Upon conversion of an
25 employee's unused sick leave to credits under this paragraph or par. (bf), the

BILL**SECTION 58**

1 employee or, if the employee is deceased, the employee's surviving insured
2 dependents may initiate deductions from those credits or may elect to delay
3 initiation of deductions from those credits, but only if the employee or surviving
4 insured dependents are covered by a comparable health insurance plan or policy
5 during the period beginning on the date of the conversion and ending on the date on
6 which the employee or surviving insured dependents later elect to initiate
7 deductions from those credits. If an employee or an employee's surviving insured
8 dependents elect to delay initiation of deductions from those credits, an employee or
9 the employee's surviving insured dependents may only later elect to initiate
10 deductions from those credits during the annual enrollment period under par. (be).
11 A health insurance plan or policy is considered comparable if it provides hospital and
12 medical benefits that are substantially equivalent to the standard health insurance
13 plan established under s. 40.52 (1).

14 **SECTION 59.** 40.05 (4) (bw) of the statutes, as affected by 2011 Wisconsin Act

15 10, is amended to read:

16 40.05 (4) (bw) On converting accumulated unused sick leave to credits for the
17 payment of health insurance premiums under par. (b), the department shall add
18 additional credits, calculated in the same manner as are credits under par. (b), that
19 are based on a state employee's accumulated sabbatical leave or earned vacation
20 leave from the state employee's last year of service prior to retirement, or both. The
21 department shall apply the credits awarded under this paragraph for the payment
22 of health insurance premiums only after the credits awarded under par. (b) are
23 exhausted. This paragraph applies only to state employees who are eligible for
24 accumulated unused sick leave conversion under par. (b) and who are entitled to the

BILL

benefits under this paragraph pursuant to a collective bargaining agreement under subch. V or VI of ch. 111.

SECTION 60. 40.05 (4g) (a) 4. of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a) or 230.35 (3), under a collective bargaining agreement under subch. V or VI of ch. 111 or under rules promulgated by the director of the office of state employment relations or is eligible for reemployment with the state under s. 321.64 after completion of his or her service in the U.S. armed forces.

SECTION 61. 40.05 (5) (intro.) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income continuation insurance provided under subch. V the employee shall pay the amount remaining after the employer has contributed the following or, if different, the amount determined under a collective bargaining agreement under subch. I, V, or VI of ch. 111 or s. 230.12 or 233.10:

SECTION 62. 40.05 (5) (b) 4. of the statutes, as affected by 2011 Wisconsin Act 10, ^{and 32} is amended to read:

40.05 (5) (b) 4. The accrual and crediting of sick leave shall be determined in accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10 and 757.02 (5) and subch. I, V, or VI of ch. 111.

SECTION 63. 40.05 (6) (a) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

40.05 (6) (a) Except as otherwise provided in accordance with a collective bargaining agreement under subch. I, V, or VI of ch. 111 or s. 230.12 or 233.10, each

5, 238.04 (8) ↑

plain

BILL**SECTION 63**

1 insured employee under the age of 70 and annuitant under the age of 65 shall pay
2 for group life insurance coverage a sum, approved by the group insurance board,
3 which shall not exceed 60 cents monthly for each \$1,000 of group life insurance,
4 based upon the last amount of insurance in force during the month for which
5 earnings are paid. The equivalent premium may be fixed by the group insurance
6 board if the annual compensation is paid in other than 12 monthly installments.

7 **SECTION 64.** 40.51 (7) of the statutes, as affected by 2011 Wisconsin Act 10, is
8 amended to read:

9 40.51 (7) Any employer, other than the state, may offer to all of its employees
10 a health care coverage plan through a program offered by the group insurance board.
11 Notwithstanding sub. (2) and ss. 40.05 (4) and 40.52 (1), the department may by rule
12 establish different eligibility standards or contribution requirements for such
13 employees and employers and may by rule limit the categories of employers, other
14 than the state, which may be included as participating employers under this
15 subchapter. Beginning on January 1, 2012, ~~except as otherwise provided in a~~
16 ~~collective bargaining agreement under subch. IV of ch. 111,~~ an employer may not
17 offer a health care coverage plan to its employees under this subsection if the
18 employer pays more than 88 percent of the average premium cost of plans offered in
19 any tier with the lowest employee premium cost under this subsection.

20 **SECTION 65.** 40.62 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is
21 amended to read:

22 40.62 (2) Sick leave accumulation shall be determined in accordance with rules
23 of the department, ~~any collective bargaining agreement under subch. I, V, or VI of~~
24 ~~ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d), 49.826 (4) (d), 230.35 (2), 233.10,~~
25 757.02 (5) and 978.12 (3).

INS
30-26

BILL

1 **SECTION 66.** 40.80 (3) of the statutes, as affected by 2011 Wisconsin Act 10, is
2 amended to read:

3 40.80 (3) Any action taken under this section shall apply to employees covered
4 by a collective bargaining agreement under subch. V or VI of ch. 111.

5 **SECTION 67.** 40.81 (3) of the statutes, as affected by 2011 Wisconsin Act 10, is
6 amended to read:

7 40.81 (3) Any action taken under this section shall apply to employees covered
8 by a collective bargaining agreement under subch. IV ~~or~~ V, or VI of ch. 111.

9 **SECTION 68.** 40.95 (1) (a) 2. of the statutes, as affected by 2011 Wisconsin Act
10 10, is amended to read:

11 40.95 (1) (a) 2. The employee has his or her compensation established in a
12 collective bargaining agreement under subch. V or VI of ch. 111.

13 **SECTION 69.** 46.284 (4) (m) of the statutes is created to read:

14 46.284 (4) (m) Compensate providers, as defined in s. 46.2898 (1) (e), in
15 accordance with any agreement under subch. V of ch. 111 relating to a provider hired
16 directly by an enrollee and make any payroll deductions authorized by those
17 agreements.

18 **SECTION 70.** 46.2895 (8) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
19 10, is amended to read:

20 46.2895 (8) (a) 1. If the long-term care district offers employment to any
21 individual who was previously employed by a county, which participated in creating
22 the district and at the time of the offer had not withdrawn or been removed from the
23 district under sub. (14), and who while employed by the county performed duties
24 relating to the same or a substantially similar function for which the individual is
25 offered employment by the district and whose wages, hours, and conditions of

BILL**SECTION 70**

1 employment were established in a collective bargaining agreement with the county
2 under subch. IV of ch. 111 that is in effect on the date that the individual commences
3 employment with the district, with respect to that individual, abide by the terms of
4 the collective bargaining agreement concerning the individual's wages and, if
5 applicable, vacation allowance, sick leave accumulation, sick leave bank, holiday
6 allowance, funeral leave allowance, personal day allowance, or paid time off
7 allowance until the time of the expiration of that collective bargaining agreement or
8 adoption of a collective bargaining agreement with the district under subch. IV of ch.
9 111 covering the individual as an employee of the district, whichever occurs first.

10 **SECTION 71.** 46.2898 of the statutes is created to read:

11 **46.2898 Quality home care. (1) DEFINITIONS.** In this section:

12 (a) "Authority" means the Wisconsin Quality Home Care Authority.

13 (b) "Care management organization" has the meaning given in s. 46.2805 (1).

14 (cm) "Consumer" means an adult who receives home care services and who
15 meets all of the following criteria:

16 1. Is a resident of any of the following:

17 a. A county that has acted under sub. (2) (a).

18 b. A county in which the Family Care Program under s. 46.286 is available.

19 c. A county in which the Program of All-Inclusive Care for the Elderly under
20 42 USC 1396u-4 is available.

21 d. A county in which the self-directed services option program under 42 USC
22 1396n (c) is available or in which a program operated under an amendment to the
23 state medical assistance plan under 42 USC 1396n (j) is available.

24 2. Self-directs all or part of his or her home care services and is an employer
25 listed on the provider's income tax forms.

BILL

1 3. Is eligible to receive a home care benefit under one of the following:

2 a. The Family Care Program under s. 46.286.

3 b. The Program of All-Inclusive Care for the Elderly, under 42 USC 1396u-4.

4 c. A program operated under a waiver from the secretary of the federal
5 department of health and human services under 42 USC 1396n (c) or 42 USC 1396n
6 (b) and (c) or the self-directed services option operated under 42 USC 1396n (c).

7 d. A program operated under an amendment to the state medical assistance
8 plan under 42 USC 1396n (j).

9 (dm) "Home care" means supportive home care, personal care, and other
10 nonprofessional services of a type that may be covered under a medical assistance
11 waiver under 42 USC 1396n (c) and that are provided to individuals to assist them
12 in meeting their daily living needs, ensuring adequate functioning in their homes,
13 and permitting safe access to their communities.

14 (e) "Provider" means an individual who is hired by a consumer to provide home
15 care to the consumer but does not include any of the following:

16 1. A person, while he or she is providing services in the capacity of an employee
17 of any of the following entities:

18 a. A home health agency licensed under s. 50.49.

19 b. A personal care provider agency.

20 c. A company or agency providing supportive home care.

21 d. An independent living center, as defined in s. 46.96 (1) (ah).

22 e. A county agency or department under s. 46.215, 46.22, 46.23, 51.42, or
23 51.437.

24 2. A health care provider, as defined in s. 146.997 (1) (d), acting in his or her
25 professional capacity.

BILL**SECTION 71**

1 (f) "Qualified provider" means a provider who meets the qualifications for
2 payment through the Family Care Program under s. 46.286, the Program for
3 All-Inclusive Care for the Elderly operated under 42 USC 1396u-4, an amendment
4 to the state medical assistance plan under 42 USC 1396n (j), or a medical assistance
5 waiver program operated under a waiver from the secretary of the U.S. department
6 of health and human services under 42 USC 1396n (c) or 42 USC 1396n (b) and (c)
7 and any qualification criteria established in the rules promulgated under sub. (7)
8 and who the authority determines is eligible for placement on the registry
9 maintained by the authority under s. 52.20 (1).

10 (2) COUNTY PARTICIPATION. (a) A county board of supervisors may require a
11 county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 to follow
12 procedures under this section and to pay providers in accordance with agreements
13 under subch. V of ch. 111.

14 (b) If a county acts under par. (a), it shall notify the department and the
15 authority of its action.

16 (c) A county that acts under par. (a) shall compensate providers in accordance
17 with any agreement under subch. V of ch. 111 and make any payroll deductions
18 authorized by such agreements.

19 (4) DUTIES OF HOME CARE PAYORS. Care management organizations, the state,
20 and counties, as described under sub. (1) (cm) 1. a. to d., that pay for the provision
21 of home care services to consumers shall provide to the authority the name, address,
22 telephone number, date of hire, and date of termination of any provider hired by an
23 individual receiving home care services.

24 (5) DUTIES OF CONSUMERS. A consumer shall do all of the following:

BILL

1 (a) Inform the authority of the name, address, telephone number, date of hire,
2 and date of termination of any provider hired by the consumer to provide home care
3 services.

4 (b) Compensate providers in accordance with any collective bargaining
5 agreement that applies to home care providers under subch. V of ch. 111 and make
6 any payroll deductions authorized by the agreement.

7 **(6) PROVIDERS.** (a) A qualified provider providing home care services under this
8 section shall be subject to the collective bargaining agreement that applies to home
9 care providers under subch. V of ch. 111.

10 (b) A qualified provider may choose to be placed on the registry maintained by
11 the authority under s. 52.20 (1).

12 **(7) DEPARTMENT RULE-MAKING.** The department may promulgate rules defining
13 terms, specifying which services constitute home care, establishing the qualification
14 criteria that apply under sub. (1) (f), and establishing procedures for implementation
15 of this section.

16 **SECTION 72.** 46.48 (9m) of the statutes is created to read:

17 **46.48 (9m) QUALITY HOME CARE.** The department shall award a grant to the
18 Wisconsin Quality Home Care Authority for the purpose of providing services to
19 recipients and providers of home care under s. 46.2898 and ch. 52 and may award
20 grants to counties to facilitate transition to procedures established under s. 46.2898.

21 **SECTION 73.** 49.825 (3) (b) 4. of the statutes is created to read:

22 **49.825 (3) (b) 4.** The department may enter into a memorandum of
23 understanding, as described under s. 111.70 (3m), with the certified representative
24 of the county employees performing services under this section for the unit. If there
25 is a dispute as to hours or conditions of employment that remains between the

BILL**SECTION 73**

1 department and the certified representative after a good faith effort to resolve it, the
2 department may unilaterally resolve the dispute.

3 **SECTION 74.** 49.826 (3) (b) 4. of the statutes is created to read:

4 49.826 (3) (b) 4. The department may enter into a memorandum of
5 understanding, as described under s. 111.70 (3p), with the certified representative
6 of the county employees performing services under this section in the county for the
7 unit. If there is a dispute as to hours or conditions of employment that remains
8 between the department and the certified representative after a good faith effort to
9 resolve it, the department may unilaterally resolve the dispute.

10 **SECTION 75.** Chapter 52 of the statutes is created to read:

11 **CHAPTER 52**

12 **QUALITY HOME CARE**

13 **52.01 Definitions.** In this chapter:

14 (1) "Authority" means the Wisconsin Quality Home Care Authority.

15 (2) "Board" means the board of directors of the authority.

16 (3) "Care management organization" has the meaning given in s. 46.2805 (1).

17 (3m) "Consumer" has the meaning given in s. 46.2898 (1) (cm).

18 (4) "Department" means the department of health services.

19 (5) "Family Care Program" means the benefit program described in s. 46.286.

20 (6) "Home care provider" means an individual who is a qualified provider under
21 s. 46.2898 (1) (f).

22 (7) "Medical assistance waiver program" means a program operated under a
23 waiver from the secretary of the U.S. department of health and human services
24 under 42 USC 1396n (c) or 42 USC 1396n (b) and (c).

BILL

1 **(8)** “Program of All-Inclusive Care for the Elderly” means the program
2 operated under 42 USC 1396u-4.

3 **52.05 Creation and organization of authority. (1)** CREATION AND
4 MEMBERSHIP OF BOARD. There is created a public body corporate and politic to be
5 known as the “Wisconsin Quality Home Care Authority.” The members of the board
6 shall consist of the following members:

7 (a) The secretary of the department of health services or his or her designee.

8 (b) The secretary of the department of workforce development or his or her
9 designee.

10 (c) The following, to be appointed by the governor to serve 3-year terms:

11 1. One representative from the state assembly.

12 2. One representative from the state senate.

13 3. One representative of care management organizations.

14 4. One representative of county departments, under s. 46.215, 46.22, 46.23,
15 51.42, or 51.437, selected from counties where the Family Care Program is not
16 available.

17 5. One representative of the board for people with developmental disabilities.

18 6. One representative of the council on physical disabilities.

19 7. One representative of the council on mental health.

20 8. One representative of the board on aging and long-term care.

21 9. Eleven individuals, each of whom is a current or former recipient of home
22 care services through the Family Care Program or a medical assistance waiver
23 program or an advocate for or representative of consumers of home care services.

24 **(3)** CHAIRPERSON. Annually, the governor shall appoint one member of the
25 board to serve as the chairperson.

BILL**SECTION 75**

1 **(4) EXECUTIVE COMMITTEE.** (a) The board shall elect an executive committee.

2 The executive committee shall consist of the chair of the board, the secretary of the
3 department of health services or his or her designee, the secretary of the department
4 of workforce development or his or her designee, and 3 persons selected from board
5 members appointed under sub. (1) (c) 9.

6 (b) The executive committee may do the following:

7 1. Hire an executive director who is not a member of the board and serves at
8 the pleasure of the board.

9 2. Hire employees to carry out the duties of the authority.

10 3. Engage in contracts for services to carry out the duties of the authority.

11 **(5) TERMS.** The terms of members of the board appointed under sub. (1) (c) shall
12 expire on July 1.

13 **(6) QUORUM.** A majority of the members of the board constitutes a quorum for
14 the purpose of conducting its business and exercising its powers and for all other
15 purposes, notwithstanding the existence of any vacancies. Action may be taken by
16 the board upon a vote of a majority of the members present. Meetings of the members
17 of the board may be held anywhere within the state.

18 **(7) VACANCIES.** Each member of the board shall hold office until a successor is
19 appointed and qualified unless the member vacates or is removed from his or her
20 office. A member who serves as a result of holding another office or position vacates
21 his or her office as a member when he or she vacates the other office or position. A
22 member who ceases to qualify for office vacates his or her office. A vacancy on the
23 board shall be filled in the same manner as the original appointment to the board for
24 the remainder of the unexpired term, if any.

BILL

1 **(8) COMPENSATION.** The members of the board are not entitled to compensation
2 for the performance of their duties. The authority may reimburse members of the
3 board for actual and necessary expenses incurred in the discharge of their official
4 duties as provided by the board.

5 **(9) EMPLOYMENT OF BOARD MEMBER.** It is not a conflict of interest for a board
6 member to engage in private or public employment or in a profession or business,
7 except to the extent prohibited by law, while serving as a member of the board.

8 **52.10 Powers of authority.** The authority shall have all the powers
9 necessary or convenient to carry out the purposes and provisions of this chapter and
10 s. 46.2898. In addition to all other powers granted the authority under this chapter,
11 the authority may:

12 **(1)** Adopt policies and procedures to govern its proceedings and to carry out its
13 duties as specified in this chapter.

14 **(2)** Employ, appoint, engage, compensate, transfer, or discharge necessary
15 personnel.

16 **(3)** Make or enter into contracts, including contracts for the provision of legal
17 or accounting services.

18 **(4)** Award grants for the purposes set forth in this chapter.

19 **(5)** Buy, lease, or sell real or personal property.

20 **(6)** Sue and be sued.

21 **(7)** Accept gifts, grants, or assistance funds and use them for the purposes of
22 this chapter.

23 **(8)** Collect fees for its services.

24 **52.20 Duties of authority.** The authority shall:

BILL**SECTION 75**

1 (1) Establish and maintain a registry of eligible home care providers who
2 choose to be on the registry for purposes of employment by consumers and provide
3 referral services for consumers in need of home care services.

4 (2) Determine the eligibility of individuals for placement on the registry. For
5 purposes of determining eligibility, the authority shall apply the criteria described
6 in s. 46.2898 (1) (f), including any qualifying criteria established by the department
7 under s. 46.2898 (7). The authority shall also develop an appeal process for denial
8 of placement on or removal of a provider from the registry consistent with the terms
9 of the medical assistance waiver programs, the Family Care Program, an
10 amendment to the state medical assistance plan under 42 USC 1396n (j), or the
11 Program of All-Inclusive Care for the Elderly, as determined by the department.

12 (3) Comply with any conditions necessary for consumers receiving home care
13 services to receive federal medical assistance funding through a medical assistance
14 waiver program, the Family Care Program, an amendment to the state medical
15 assistance plan under 42 USC 1396n (j), or the Program of All-Inclusive Care for the
16 Elderly.

17 (4) Develop and operate recruitment and retention programs to expand the
18 pool of home care providers qualified and available to provide home care services to
19 consumers.

20 (5) Maintain a list of home care providers included in a collective bargaining
21 unit under s. 111.825 (2g) and provide the list of home care providers to the
22 department at the department's request.

23 (6) Notify home care providers providing home care services of any procedures
24 for remaining a qualified provider under s. 46.2898 (1) (f) set forth by the department
25 or the authority.

BILL

1 (7) Provide orientation activities and skills training for home care providers.

2 (8) Provide training and support for consumers hiring a home care provider
3 regarding the duties and responsibilities of employers and skills needed to be
4 effective employers.

5 (9) Inform consumers of the experience and qualifications of home care
6 providers on the registry and home care providers identified by consumers of home
7 care services for employment.

8 (10) Develop and operate a system of backup and respite referrals to home care
9 providers and a 24-hour per day call service for consumers of home care services.

10 (11) Report annually to the governor on the number of home care providers on
11 the registry and the number of home care providers providing services under the
12 authority.

13 (12) Conduct activities to improve the supply and quality of home care
14 providers.

15 **52.30 Liability limited.** (1) The state, any political subdivision of the state,
16 or any officer, employee, or agent of the state or a political subdivision who is acting
17 within the scope of employment or agency is not liable for any debt, obligation, act,
18 or omission of the authority.

19 (2) All expenses incurred by the authority in exercising its duties and powers
20 under this chapter shall be payable only from funds of the authority.

21 **52.40 Health data.** Any health data or identifying information collected by
22 the authority is collected for the purpose of government regulatory and management
23 functions.

24 ~~SECTION 76. 59.875 (2) of the statutes, as created by 2011 Wisconsin Act 10, is~~
25 amended to read:

affected *32*

BILL

July 1, 2011

59.875 (2) Beginning on the effective date of this subsection ... [LRB inserts date], in any employee retirement system of a county, ~~except as otherwise provided in a collective bargaining agreement entered into under subch. IV of ch. 111,~~ employees shall pay half of all actuarially required contributions for funding benefits under the retirement system. The employer may not pay on behalf of an employee any of the employee's share of the actuarially required contributions.

SECTION 77. 62.623 of the statutes, as ~~created~~ *affected* by 2011 Wisconsin Act 10, is amended to read:

July 1, 2011

62.623 Payment of contributions in an employee retirement system of a 1st class city. Beginning on the effective date of this section ... [LRB inserts date], in any employee retirement system of a 1st class city, ~~except as otherwise provided in a collective bargaining agreement entered into under subch. IV of ch. 111,~~ employees shall pay all employee required contributions for funding benefits under the retirement system. The employer may not pay on behalf of an employee any of the employee's share of the required contributions.

SECTION 78. 66.0506 of the statutes, as ~~created~~ *affected* by 2011 Wisconsin Act 10, is repealed.

SECTION 79. 66.0508 of the statutes, as created by 2011 Wisconsin Act 10, is repealed.

SECTION 80. 66.0509 (1m) of the statutes, as created by 2011 Wisconsin Act 10, is repealed.

SECTION 81. 66.1104 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

INSERT 42-15A

INSERT 42-15B

Section 62.623 (1); affected by 2011 Wisconsin Act 32; RN 62.623

Section 62.623 (2); created by 2011 Wisconsin Act 32; RP

BILL

1 66.1104 (1) (a) "Authority" means a body created under s. 66.1201, 66.1333, or
2 66.1335; under subch. II of ch. 114 or subch. III of ch. 149; or under ch. 52, 231, 232,
3 233, 234, 235, 237, or 279.

4 **SECTION 82.** 70.11 (41s) of the statutes is created to read:

5 70.11 (41s) WISCONSIN QUALITY HOME CARE AUTHORITY. All property owned by
6 the Wisconsin Quality Home Care Authority, provided that use of the property is
7 primarily related to the purposes of the authority.

8 **SECTION 83.** 71.26 (1) (be) of the statutes, as affected by 2011 Wisconsin Act 10, ✓
9 is amended to read:

10 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin
11 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan
12 Authority, of the Wisconsin Quality Home Care Authority, of the Fox River
13 Navigational System Authority, of the Wisconsin Economic Development
14 Corporation, and of the Wisconsin Aerospace Authority.

15 **SECTION 84.** 73.03 (68) of the statutes, as created by 2011 Wisconsin Act 10, ✓
16 is repealed.

17 **SECTION 85.** 77.54 (9a) (a) of the statutes, as affected by 2011 Wisconsin Act 10, ✓
18 is amended to read:

19 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
20 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health
21 Insurance Risk-Sharing Plan Authority, the Wisconsin Quality Home Care
22 Authority, the Wisconsin Economic Development Corporation, and the Fox River
23 Navigational System Authority.

24 **SECTION 86.** 100.45 (1) (dm) of the statutes, as affected by 2011 Wisconsin Act
25 10, is amended to read:

BILL**SECTION 86**

1 100.45 (1) (dm) “State agency” means any office, department, agency,
2 institution of higher education, association, society or other body in state
3 government created or authorized to be created by the constitution or any law which
4 is entitled to expend moneys appropriated by law, including the legislature and the
5 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
6 Center Sports and Entertainment Corporation, the University of Wisconsin
7 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
8 Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care
9 Authority, the Wisconsin Economic Development Corporation, and the Fox River
10 Navigational System Authority.

11 ✓ **SECTION 87.** 101.177 (1) (d) of the statutes, as affected by 2011 Wisconsin Act
12 10, is amended to read:

13 101.177 (1) (d) “State agency” means any office, department, agency,
14 institution of higher education, association, society, or other body in state
15 government created or authorized to be created by the constitution or any law, that
16 is entitled to expend moneys appropriated by law, including the legislature and the
17 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
18 Center Sports and Entertainment Corporation, the University of Wisconsin
19 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Wisconsin
20 Quality Home Care Authority, the Wisconsin Economic Development Corporation,
21 and the Wisconsin Health and Educational Facilities Authority, but excluding the
22 Health Insurance Risk-Sharing Plan Authority and the Lower Fox River
23 Remediation Authority.

24 **SECTION 88.** 109.03 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 10,
25 is amended to read:

BILL

1 109.03 (1) (b) School district and private school employees who voluntarily
2 request payment over a 12-month period for personal services performed during the
3 school year, unless, ~~with respect to private school employees, the~~ such employees are
4 covered under a valid collective bargaining agreement which precludes this method
5 of payment. ✓

6 **SECTION 89.** 111.02 (1) of the statutes, as affected by 2011 Wisconsin Act 10, is
7 amended to read:

8 111.02 (1) "All-union agreement" means an agreement between an employer
9 other than the University of Wisconsin Hospitals and Clinics Authority and the
10 representative of the employer's employees in a collective bargaining unit whereby
11 all or any of the employees in such unit are required to be members of a single labor
12 organization.

13 **SECTION 90.** 111.02 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is ✓
14 amended to read:

15 111.02 (2) "Collective bargaining" means the negotiation by an employer and
16 a majority of the employer's employees in a collective bargaining unit, or their
17 representatives, concerning representation or terms and conditions of employment
18 of such employees, except as provided under ss. 111.05 (5) and 111.17 (2), in a
19 mutually genuine effort to reach an agreement with reference to the subject under
20 negotiation.

21 **SECTION 91.** 111.02 (3) of the statutes, as affected by 2011 Wisconsin Act 10, is ✓
22 amended to read:

23 111.02 (3) "Collective bargaining unit" means all of the employees of one
24 employer, employed within the state, except as provided in s. 111.05 (5) and (7) and
25 except that where a majority of the employees engaged in a single craft, division,

BILL**SECTION 91**

1 department or plant have voted by secret ballot as provided in s. 111.05 (2) to
2 constitute such group a separate bargaining unit they shall be so considered, but, in
3 appropriate cases, and to aid in the more efficient administration of ss. 111.01 to
4 111.19, the commission may find, where agreeable to all parties affected in any way
5 thereby, an industry, trade or business comprising more than one employer in an
6 association in any geographical area to be a “collective bargaining unit”. A collective
7 bargaining unit thus established by the commission shall be subject to all rights by
8 termination or modification given by ss. 111.01 to 111.19 in reference to collective
9 bargaining units otherwise established under ss. 111.01 to 111.19. Two or more
10 collective bargaining units may bargain collectively through the same
11 representative where a majority of the employees in each separate unit have voted
12 by secret ballot as provided in s. 111.05 (2) so to do.

13 **SECTION 92.** 111.02 (6) (am) of the statutes is created to read:

14 111.02 (6) (am) “Employee” includes a child care provider certified under s.
15 48.651 and a child care provider licensed under s. 48.65 who provides care and
16 supervision for not more than 8 children who are not related to the child care
17 provider.

18 **SECTION 93.** 111.02 (7) (a) of the statutes is renumbered 111.02 (7) (a) (intro.)
19 and amended to read:

20 111.02 (7) (a) (intro.) “Employer” means a person who engages the services of
21 an employee, and includes ~~a~~ all of the following:

22 1. A person acting on behalf of an employer within the scope of his or her
23 authority, express or implied.

24 **SECTION 94.** 111.02 (7) (a) 2., 3. and 4. of the statutes are created to read:

25 111.02 (7) (a) 2. The University of Wisconsin Hospitals and Clinics Authority.

BILL

1 3. A local cultural arts district created under subch. V of ch. 229.

2 4. With respect to an employee under sub. (6) (am), the state, counties, and
3 other administrative entities involved in regulation and subsidization of employees
4 under sub. (6) (am).

5 **SECTION 95.** 111.02 (7) (b) 1. of the statutes, as affected by 2011 Wisconsin Act
6 10, is amended to read:

7 111.02 (7) (b) 1. The Except as provided in par. (a) 4., the state or any political
8 subdivision thereof.

9 **SECTION 96.** 111.02 (7m), (9m) and (10m) of the statutes are created to read:

10 111.02 (7m) “Fair-share agreement” means an agreement between the
11 University of Wisconsin Hospitals and Clinics Authority and a labor organization
12 representing employees of that authority, or between an employer defined under sub.
13 (7) (a) 4. and a labor organization representing employees under sub. (6) (am), under
14 which all of the employees in a collective bargaining unit are required to pay their
15 proportionate share of the cost of the collective bargaining process and contract
16 administration measured by the amount of dues uniformly required of all members.

17 **(9m)** “Maintenance of membership agreement” means any of the following:

18 (a) An agreement between the University of Wisconsin Hospitals and Clinics
19 Authority and a labor organization representing employees of that authority which
20 requires that all of the employees whose dues are being deducted from earnings
21 under s. 20.921 (1) or 111.06 (1) (i) at the time the agreement takes effect shall
22 continue to have dues deducted for the duration of the agreement and that dues shall
23 be deducted from the earnings of all employees who are hired on or after the effective
24 date of the agreement.

BILL**SECTION 96**

1 (b) An agreement between an employer under sub. (7) (a) 4. and a labor
2 organization representing employees under sub. (6) (am) which requires that all of
3 the employees whose dues are being deducted from earnings under s. 111.06 (1) (i)
4 at the time the agreement takes effect shall continue to have dues deducted for the
5 duration of the agreement and that dues shall be deducted from the earnings of all
6 employees who are hired on or after the effective date of the agreement.

7 **(10m)** “Referendum” means a proceeding conducted by the commission in
8 which employees of the University of Wisconsin Hospitals and Clinics Authority in
9 a collective bargaining unit or in which employees under sub. (6) (am) in a collective
10 bargaining unit may cast a secret ballot on the question of directing the labor
11 organization and the employer to enter into a fair-share or maintenance of
12 membership agreement or to terminate such an agreement.

13 **SECTION 97.** 111.05 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is
14 amended to read:

15 111.05 (2) ~~Whenever~~ Except as provided in subs. (5) and (7), whenever a
16 question arises concerning the determination of a collective bargaining unit, it shall
17 be determined by secret ballot, and the commission, upon request, shall cause the
18 ballot to be taken in such manner as to show separately the wishes of the employees
19 in any craft, division, department or plant as to the determination of the collective
20 bargaining unit.

21 **SECTION 98.** 111.05 (3g) of the statutes is created to read:

22 111.05 (3g) Notwithstanding subs. (3) and (4), if on June 30, 1997, there is a
23 representative recognized or certified to represent any of the units specified in s.
24 111.825 (1) (f) 1., 5. or 9., that representative shall become the representative of the
25 employees in the corresponding collective bargaining units specified in sub. (5) (a)

BILL

1 1. to 3., without the necessity of filing a petition or conducting an election, subject to
2 the right of any person to file a petition under this section on or after October 1, 1998.

3 **SECTION 99.** 111.05 (5) of the statutes is created to read:

4 111.05 (5) (a) Collective bargaining units for representation of the employees
5 of the University of Wisconsin Hospitals and Clinics Authority shall include one unit
6 for employees engaged in each of the following functions:

- 7 1. Fiscal and staff services.
- 8 2. Patient care.
- 9 3. Science.
- 10 4. Clerical and related.
- 11 5. Blue collar and nonbuilding trades.
- 12 6. Building trades crafts.
- 13 7. Security and public safety.
- 14 8. Technical.

15 (b) Collective bargaining units for representation of the employees of the
16 University of Wisconsin Hospitals and Clinics Authority who are engaged in a
17 function not specified in par. (a) shall be determined in the manner provided in this
18 section. The creation of any collective bargaining unit for such employees is subject
19 to approval of the commission. The commission shall not permit fragmentation of
20 such collective bargaining units or creation of any such collective bargaining unit
21 that is too small to provide adequate representation of employees. In approving such
22 collective bargaining units, the commission shall give primary consideration to the
23 authority's needs to fulfill its statutory missions.

24 **SECTION 100.** 111.05 (6) of the statutes is created to read: